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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/248,111      | 02/11/1999  | ICHIRO NAKANO        | 1046.1196/JD        | 8405             |

21171 7590 07/16/2002

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[REDACTED] EXAMINER

AN, SHAWN S

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2613

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.  
09/248,111  
Applicant(s)  
Ichiro Nakano et al.  
Examiner  
Shawn An  
Art Unit  
2613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
- 2a)  This action is FINAL. 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-16 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on Feb 11, 1999 is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1 and 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishikawa et al (5,818,970).

Ishikawa et al discloses a moving image data controlling apparatus, computer readable medium functioning (col. 32, lines 60-64), comprising:  
moving image source input unit (Fig. 1, 102) for inputting image data;  
information input unit (103) for inputting control information designating a processing for the moving image data inputted through the moving image source input unit;  
data integrating unit (112) for integrating the moving image data, with the control information inputted through the information input unit (col. 5, lines 42-63); and  
storing the image data and the control information which are integrated (col. 3, lines 18-20) as specified in claims 1 and 3-4.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al (5,818,970).

Ishikawa et al discloses a moving image data controlling apparatus, comprising: moving image source input unit (Fig. 1, 102) for inputting image data; area information input unit (103) for inputting area information defined for each image unit of the image data inputted through the moving image source input unit; and data integrating means (112) for integrating the area information as additional information for all pixels in each predetermined image unit of the moving image data, with the moving image data (col. 5, lines 42-63) as specified in claim 2. Even though Ishikawa et al does not specifically disclose digital images, it is well known in the art. Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a moving image data controlling apparatus as taught by Ishikawa et al to substitute the moving image source with the digital moving image source in order to enhance the quality of the image data.

5. Claims 5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al (5,818,970) in view of Greenberg (4,357,624).

Ishikawa et al discloses a moving image data controlling apparatus or reproducing method or computer readable medium (col. 32, lines 60-64), comprising:

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moving image source input unit (Fig. 1, 102) for inputting image data; area information input unit (103) for inputting control information defined for the moving image data inputted through the moving image source input unit as specified in claims 5, 8, 11-12, 14, and 16. Ishikawa et al does not specifically disclose data changing unit for executing data change. However, Greenberg discloses a data changing unit (Fig. 1, 12 and 54) for executing data change of a moving image data stream (col. 9, lines 47-61) as also specified in claims 6 and 9. Furthermore, Greenberg discloses having digital moving image source input unit (14). Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a moving image data controlling apparatus as taught by Ishikawa et al to incorporate the data changing unit as taught by Greenberg so that the data changing unit executes data change/ data processing designated by Ishikawa's control information to the moving image data stream obtained from image source input unit in order to edit or enhance the data information in a manner desired by an user.

Regarding claims 7, 10, 13, and 15, Greenberg discloses instructing unit (50) for instructing the data changing unit whether or not the data change is executed in accordance with an input from an user as specified.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

- A) Miyano (5,532,752), Character image encoding/decoding system.
- B) Mitsushita et al (6,329,999 B1), Encode, method thereof and graphic processing apparatus.
- C) Suu et al (5,227,875), System for transmitting encoded image data with quick image expansion and contraction.

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D) Han et al (6,128,041), Method and apparatus for binary shape encoding.

7. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday-Friday (Monday off).

ANDY RAO  
PRIMARY EXAMINER



SSA

July 10, 2002